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HOUSE BILL 2887 By  
Brown

SENATE BILL 3101  
By Crutchfield

AN ACT to amend Tennessee Code Annotated, Title 37, relative to  
juvenile case management.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 1, is amended by adding  
Sections 2 and 3 as an appropriately numbered new part.

SECTION 2.

(a) The general assembly finds that a substantial and disproportionate amount of  
serious crime is committed by a relatively small number of juvenile offenders, otherwise  
known as serious habitual offenders. By this act, the general assembly intends to  
support the efforts of the juvenile justice system comprised of law enforcement, state's  
attorneys, probation departments, juvenile courts, social service providers, and schools  
in the early identification and treatment of habitual juvenile offenders. The general  
assembly further supports increased interagency efforts to gather comprehensive data  
and actively disseminate the data to the agencies in the juvenile justice system to  
produce more informed decisions by all entities in that system.

(b) The general assembly finds that the establishment of a Serious Habitual  
Offender Comprehensive Action Program throughout the state of Tennessee is  
necessary to effectively intensify the supervision of serious habitual juvenile offenders in  
the community and to enhance current rehabilitative efforts. A cooperative and

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coordinated multi-disciplinary approach will increase the opportunity for success with juvenile offenders and assist in the development of early intervention strategies.

### SECTION 3.

(a) The Serious Habitual Offender Comprehensive Action Program (SHOCAP) is a multi-disciplinary interagency case management and information sharing system that enables the juvenile justice system, schools, and social service agencies to make more informed decisions regarding a small number of juveniles who repeatedly commit serious delinquent acts.

(b) Each county in the state of Tennessee may establish a multi-disciplinary agency (SHOCAP) committee. The committee shall consist of representatives from the following agencies: local law enforcement, area school district, state's attorney's office, and juvenile court services (probation). The chair may appoint additional members to the committee as deemed appropriate to accomplish the goals of this program, including, but not limited to, representatives from the juvenile detention center, mental health, the Tennessee department of children services, and community representatives at large.

(c) The SHOCAP committee shall adopt, by a majority of the members:

(1) Criteria that will identify those who qualify as a serious habitual juvenile offender; and

(2) A written interagency information sharing agreement to be signed by the chief executive officer of each of the agencies represented on the committee. The interagency information sharing agreement shall include a provision that requires that all records pertaining to a Serious Habitual Offender (SHO) to be confidential. Disclosure of information may be made to other staff from member agencies as authorized by the SHOCAP committee for the furtherance of case

management and tracking of the SHO. Staff from the member agencies who receive this information shall be governed by the confidentiality provisions of this act. The staff from the member agencies who qualify to have access to the SHOCAP information shall be limited to those individuals who provide direct services to the SHO or who provide supervision of the SHO.

(d) The juvenile court judge, or the judge's designee, may issue a comprehensive information sharing court order. The court order shall allow agencies who are represented on the SHOCAP committee and whose chief executive officer has signed the interagency information sharing agreement to provide and disclose information to the SHOCAP committee. The sharing of information will ensure the coordination and cooperation of all agencies represented in providing case management and enhancing the effectiveness of the SHOCAP efforts.

(e) Any person or agency who is participating in good faith in the sharing of SHOCAP information under this act shall have immunity from any liability, civil, criminal, or otherwise, that might result by reason of the type of information exchanged. For the purpose of any proceedings, civil or criminal, the good faith of any person or agency permitted to share SHOCAP information under this act is presumed.

(1) All reports concerning SHOCAP clients made available to members of the SHOCAP committee and all records generated from these reports are confidential and shall not be disclosed, except as specifically authorized by this act or other applicable law.

(2) It is a Class A misdemeanor to permit, assist, or encourage the unauthorized release of any information contained in SHOCAP reports or records.

SECTION 4. This act shall take effect July 1, 1998, the public welfare requiring it.